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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-70192-2025 (O&M)
Date of Decision: 12.02.2026

M/s S.M. Hosiery and another

....Petitioners

Versus

M/s Texas Wollen Mills Pvt. Limited

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Dixit Garg, Advocate, for the petitioners.

AMAN CHAUDHARY, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS for quashing the order dated 29.08.2025, Annexure P-8, passed by learned Judicial Magistrate 1st Class, Ludhiana, whereby application filed under Section 348 of BNSS (erstwhile Section 311 CrPC) by the complainant-respondent has been allowed.

2. Learned counsel for the petitioner submits that the list of Directors, which was well within the knowledge of the respondent-company, was supposed to be filed alongwith the complaint and as a way to cover up the lacunae, he filed an application for producing the same was wrongly allowed by the trial Court.

3. Heard.

4. It is apposite to refer to the relevant paras of the order impugned, which read thus:

“6. In the considered opinion of the Court, the complainant can be allowed to produce the list of Directors in the present case. Under the



Negotiable Instruments Act, the complainant is responsible for proving the case beyond reasonable doubt and the list of Directors is crucial for establishing that the case is being represented by authorized persons or not. Moreover, CW1 Maninder Pal Singh cross-examined partly and his cross-examination was deferred for want of resolution register. Since, the cross-examination of CW1 is yet to be completed, hence an opportunity is to be granted to accused to cross-examine the complainant on the said document. There will be no prejudice caused to accused if said document proved as per law by complainant. However, the evidence sought to be led may assist the Court to reach at just conclusion. Moreover, no prejudice is going to be caused as accused shall get an opportunity to cross-examine the complainant. Hence, the application stands allowed and complainant is allowed to attach the list of Directors with Ex.C2 & C3.”

5. The object underlying Section 311 Cr.P.C. is that there may not be failure of justice on account of mistake of either party in bringing the valuable evidence on record or leaving ambiguity in the statements of the witnesses examined from either side. The determinative factor is whether it is essential to the just decision of the case. The significant expression that occurs is “at any stage of any inquiry or trial or other proceeding under this Code”, as was held by Hon'ble The Supreme Court in the case of **V N Patil Vs. Niranjan Kumar**, (2021) 3 SCC 661.

6. It is a cardinal rule in the law of evidence that the best available evidence should be brought before the Court to prove a fact or the points in issue. But it is left either for the prosecution or for the defence to establish its respective case by adducing the best available evidence and the Court is not empowered under the provisions of the Code to compel either the prosecution or the defence to examine any particular witness or witnesses on their sides. It is the duty of a Court not only to do justice but also to ensure that justice is being done. It was further held that the second part of the Section does not allow for any discretion but it binds and compels the Court to take any of the aforementioned two steps if the



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fresh evidence to be obtained is essential to the just decision of the case as held in **Mohanlal Shamji Soni vs. Union of India & Anr.** AIR 1991 SC 1346, by Hon'ble The Supreme Court.

7. Fairness of trial being a virtue that is sacrosanct in the judicial system. There is a duty cast upon the Court to arrive at the truth, one of the means for it being that proper and complete evidence be permitted to be adduced. In view of the incomplete cross-examination of CW-1 and the materiality of the list of Directors for determining proper authorisation, the trial Court has rightly exercised its discretion under Section 348 BNSS.

8. In view of the foregoing, the order impugned does not call for any interference, it being neither perverse nor illegal and as such, the petition is dismissed, being devoid of merits.

9. The observations made hereinabove are only for the purpose of adjudication of the present petition and shall not be construed as an expression of opinion on the merits of the case.

(AMAN CHAUDHARY)
JUDGE

February 12, 2026

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Whether speaking : Yes/No

Whether reportable : Yes/No